

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DARREN KAPLAN, SHIRLEY KAPLAN

Plaintiff,

Case No. 2:20-cv-03981-MKB-AYS

-against-

CITIMORTGAGE, *et al.*,

Defendants.

-----x

STIPULATION OF DISMISSAL (FRCP 41)

Plaintiffs Darren Kaplan and Shirley Kaplan and Defendants CitiMortgage, Inc., Cenlar FSB, and US Bank National Association as Trustee for CMALT REMIC Series 2006-A5 - REMIC Pass - Through Certificates Series 2006-A5, hereby stipulate under Federal Rule of Civil Procedure 41(a)(1)(ii) that this action be dismissed without prejudice as to all claims, causes of action, and parties, with each party bearing that party's own attorney's fees and costs. The parties further stipulate that if the plaintiffs bring a new action by May 31, 2021, the date of the new complaint will relate back to the date of filing of the original complaint in this action (*e.g.*, any claims not time-barred by the original complaint here would not be barred if a new complaint is filed before May 31, 2021).

WALLSHEIN LEGAL PLLC



Charles Wallshein

35 Pinelawn Road, Suite 106E
Melville, NY 11747
Tel: 631-824-6555
cwallshein@wallsheinlegal.com

*Attorneys for Plaintiffs Darren
and Shirley Kaplan*

AKERMAN LLP

S. Sherry Xia
S. Sherry Xia
Jordan M. Smith
1251 Avenue of the Americas, 37th Floor
New York, NY 10020
Tel: 212-880-3800
sherry.xia@akerman.com
jordan.smith@akerman.com

Attorneys for Defendant CitiMortgage, Inc.

DAVID A. GALLO & ASSOCIATES LLP

/S/ Robert Link

Robert Link

47 Hillside Avenue, 2nd Floor

Manhasset, NY 11030

Tel: 516-583-5330

blink@msgrb.com

*Attorneys for Defendants Cenlar FSB and US Bank National Association as Trustee for CMALT
REMIC Series 2006-A5 - REMIC Pass - Through Certificates Series 2006-A5*

SO ORDERED

United States District Judge